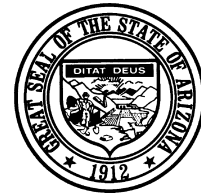


# ARIZONA TAX NEWS



Jane Dee Hull, Governor

Mark W Killian, Director

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## B.R.I.T.S. Vendors Studying DOR Procedures

BRITS, the Department's reengineering project for increasing efficiency and service, is in full swing. There are three vendors on site working full time on the project with over 40 of their employees or contractors working with Department employees.

During this phase of the project, called the discovery phase, the vendors are studying DOR and developing a proposal that addresses the needs outlined in the Request for Proposal (RFP) issued last March. In addition to

complying with the technology requirements in the RFP, the vendors must develop the proposal within the framework of the Concept of Operations and the Business Vision that are included in the RFP. These two documents are available on our Internet site ([www.revenue.state.az.us](http://www.revenue.state.az.us)) as well as the findings from our consultant, the Gartner Group, that later became the basis for the RFP. Those interested in knowing the direction of DOR over the next few years are encouraged to read this information.

### E-Mail Your Questions

If you have a question that you cannot find the answer to, our Technical Assistance personnel may prove useful to you. We will gladly respond to any e-mail technical tax inquiry. All inquiries will be responded to within two working days.

E-mail your question to:  
[TaxpayerAssistance@revenue.state.az.us](mailto:TaxpayerAssistance@revenue.state.az.us)

In the interest of maintaining confidentiality, DOR cannot respond to inquiries that include a Social Security number, FEIN, TPT or W/H number, or other specific taxpayer identifiers.

## DOR Sports New Cashiering System

There is a new cashiering process being used in our offices that will speed the posting of certain payments made over-the-counter.

The new system uses a scan code to capture information about the payment electronically. The data is then transmitted electronically to the main frame computer. This

eliminates the need to re-key the document in our remittance system. The payment is posted overnight.

Currently, TPT-1's, billing statement payment stubs and estimated payment forms use the scan code. The next documents to be converted will be withholding forms.

# \*\*\* **REMINDER** \*\*\*

## FOR NON-EFT TPT FILERS

**To avoid a delinquency, postmark your September 2001 TPT return no later than October 25, 2001 or deliver to DOR no later than October 30, 2001.**

## May Summary of General Fund Revenues

	<u>May 2001</u>	<u>Fiscal Year Total</u>
<b>Individual Income Tax</b>		
Net Collections	(\$101,614,883)	\$1,723,814,913
Percent Change *	(6.5%)	2.1%
<b>Corporate Income Tax</b>		
Net Collections	\$20,816,058	\$473,776,537
Percent Change *	(26.2%)	11.5%
<b>Transaction Privilege, Severance &amp; Use Taxes</b>		
Net Collections	\$252,953,545	\$2,730,480,215
Percent Change *	5.7%	6.2%
<b>Total Big Three Tax Types</b>		
Net Collections	\$375,384,486	\$4,928,071,665
Percent Change *	(0.2%)	5.2%

( ) Decrease from same month last year.

\* Percent change from same month last year.

## Individual Income Tax

### Individual Income Tax Receipts

	<b>May 01</b>	<b>May 00</b>	<b>%Change</b>
Gross Collections	\$104,391,564	\$127,401,801	(18.1)
Withholding	210,119,840	197,683,331	6.3
Refunds	(179,858,801)	(184,964,712)	(2.8)
Urban Rev Sharing	(33,037,720)	(31,475,916)	5.0%
<b>Net Collections</b>	<b>\$101,614,883</b>	<b>\$108,644,504</b>	<b>(6.5)</b>
<b>Fiscal Year Total</b>			
	<b>(00/01)</b>	<b>(99/00)</b>	<b>%Change</b>
Gross Collections	\$768,012,013	\$737,411,279	4.1%
Withholding	2,165,878,519	2,052,254,702	5.5%
Refunds	(846,660,699)	(755,268,851)	12.1%
Urban Rev Sharing	(363,414,920)	(346,235,073)	5.0
<b>Net Collections</b>	<b>\$1,723,814,913</b>	<b>\$1,688,162,056</b>	<b>(2.1%)</b>

## TAX CALENDAR

OCTOBER 2001

Due Date		For Period Ending
08	Columbus Day (observed)	All State Offices Closed
15	Income Tax Returns:	6/30/01
	Form 120: Corporation	
	Form 140: Individual	
	Form 141: Fiduciary	
	Form 165: Partnership	
15	Form 120: Corporation with Automatic Extension	12/31/00
15	Form 120S: S Corporation	7/31/01
15	Exempt Organizations	5/31/01
	Form 99: Annual Information Return	
	Form 99T: Unrelated Business Income	
15	Form 120ES: Estimated Tax Payment, Corporation	
	First Installment	6/30/02
	Second Installment	4/30/02
	Third Installment	1/31/02
	Fourth Installment	10/31/01
22	Form TPT-1: Transaction Privilege Tax:	
	September Monthly Filers and Quarterly Filers	9/30/01
22	Bingo: Financial Reports	9/30/01
22	Luxury Tax: Various Forms	9/30/01
25	EFT Form TPT-1 and Payment:	
	Transaction Privilege Tax:	
	September Monthly Filers	9/30/01
31	Withholding Tax: Form A1-QRT	9/30/01

### Withholding Information:

If the average amount of Arizona income taxes withheld in the preceding four calendar quarters **exceeds** \$1,500 the employer must make its Arizona withholding payments to the Department of Revenue at the same time as the employer is required to make federal withholding deposits. If the average amount of Arizona income taxes withheld in the preceding four calendar quarters **does not exceed** \$1,500 the employer must make its Arizona withholding payments to the department on a quarterly basis.

The Arizona Tax News is a monthly publication of the Arizona Department of Revenue. Information contained herein is of a general nature and is not designed to address complex issues in detail. Taxpayers requiring information concerning a specific tax matter should contact the appropriate office. This newsletter is available in alternative formats upon request by calling the telephone number shown below. Subscription information may be obtained from: **Tony Manzo** at (602) 542-3062 or toll free (877) 863-0655.

# Unclaimed Property Reports Due November 1, 2001

## 1 year dormancy

- ♦ Payroll checks/Wages/Commissions
- ♦ Government/Courts.
- ♦ Property held by Fiduciaries.
- ♦ Safe Deposit Boxes.
- ♦ Dissolution of Business.

## 2 year dormancy

Utility Deposits.

## 3 year dormancy

- ♦ Stock or other equity interest in a business association or financial organization.
- ♦ IRA.

## 5 year dormancy

- ♦ Principal on a debt.
- ♦ Savings Accounts, Checking Accounts, Official Checks.
- ♦ Credits owed to a customer as a result of a retail transaction.
- ♦ Amount owed by an insurer on a life or endowment insurance policy.
- ♦ Cashier checks.
- ♦ All other property.

The dormancy periods depends on the property type. Please check the Arizona Revised Statute Chapter 3 section 44-302.

## Legislative Summary 2001

The 2001 Legislative Summary provides a brief summary of the tax-related bills that were enacted by the Arizona State Legislature and were approved by the Governor.

Over the next few months the TaxNews will feature Legislative Summaries by tax type.

This month: Property Tax, The general effective date is August 9, 2001

### H.B. 2017 (CHAPTER 186).

#### PERSONAL PROPERTY TAX.

**Summary:** Makes various changes to personal property statutes regarding the transition to the combined personal property tax roll.

- **AMENDS A.R.S. § 42-16108. Decision**

Adds new subsection C, in reference to § 42-19052, concerning personal property appeals, requiring all County Boards of Equalization to complete all hearings and issue all decisions by December 1 of the calendar year in which personal property taxes are levied.

- **AMENDS A.R.S. § 42-16165. Deadlines for issuing decisions**

Adds new subsection 3, in reference to § 42-19052, concerning personal property appeals, requiring the State Board of Equalization to complete all hearings and issue all decisions by December 1 of the calendar year in which personal property taxes are levied.

- **REPEALS Laws 2000's versions of A.R.S. §§ 42-19006 and 42-19007**

**Note:** The amendments in 2000 were

made to incorrect versions of the statutes and were considered defective.

- **AMENDS A.R.S. § 42-19006. Notice of valuation**

Changes the date by which the County Assessor must mail the notice of value from June 30 to August 30.

- **AMENDS A.R.S. § 42-19152. Taxation of mobile homes**

Deletes subsection B, which allowed proration of taxes due if title application occurred after March 31. Redesignates remaining subsection.

Signed by the Governor, and approved as an emergency measure, April 21, 2001.

### H.B. 2021 (CHAPTER 65).

#### VALUATION OF COMMON AREAS.

**Summary:** Adds private, residential development aircraft runways or taxiways to the list of those types of common areas which will qualify for statutory valuation as residential common areas.

- **AMENDS A.R.S. § 42-13402. Identifying**

*(Continued on page 4)*

(Continued from page 3)

**common areas; definition**

Adds language to subsection B and adds new subsection D specifying that an "airport," in the context of "common areas," means aircraft runways and taxiways used in a residential subdivision, and that may be designated as a "reliever" airport by the F.A.A.

Signed by the Governor April 9, 2001.

**H.B. 2145 (CHAPTER 115).**

**TAX CORRECTIONS ACT.**

**Summary:** An annual tax corrections act making technical, conforming and clarification changes to Arizona Revised Statutes. Those shown below are the amendments relevant to property tax.

- **AMENDS A.R.S. § 15-994. Tax levy; county equalization assistance for education**

Changes the tax levy calculation for county equalization assistance for education from a set rate of .5271 cents per hundred dollars of assessed valuation, to being determined pursuant to A.R.S. § 41-1276.

**Note:** Per Sec. 36, the amendments to A.R.S. § 15-994 are retroactively effective from and after 07-18-2000.

- **AMENDS A.R.S. § 42-11109. Exemption for religious property; affidavit**

Under subsection C, deletes an unnecessary reference to A.R.S. § 43-1201.

Signed by the Governor April 12, 2001.

**H.B. 2280 (CHAPTER 112).**

**BENEFICIARY DEEDS.**

**Summary:** Adds information under Titles 11, 33 and 42 regarding beneficiary deeds.

**Note:** A "beneficiary deed" allows a property owner to convey title to real property to a designated beneficiary upon the owner's death, without probate, while retaining all current property rights while alive.

- **AMENDS A.R.S. § 11-1134. Exemptions**

Adds subsection B(12), including beneficiary deeds to the list of the types of title transfers exempt from an affidavit and fee.

2001's H.B. 2280 (continued).

- **ADDS A.R.S. § 33-405. Beneficiary deeds; recording; definition**

Defines and describes several aspects and stipulations of beneficiary deeds and specifies their form.

- **AMENDS A.R.S. § 42-15101. Annual notice of full cash value**

Adds language to subsection B, stating that the Assessors may utilize the last known address of a deceased property owner as the beneficiary's address for mailing the notice of value until the Assessor has been notified by the beneficiary of a change of address.

Signed by the Governor April 11, 2001.

**H.B. 2283 (CHAPTER 242).**

**REAL PROPERTY TAX LIENS (affects County Treasurers and County Recordors).**

**Summary:** Clarifies the prioritization of sold tax liens for one or multiple years versus any lien held by the state and the annually attaching tax lien; provides an additional option regarding notification of the property owner of record of a sold tax lien holder's intent to file for the foreclosure of the right of redemption.

- **AMENDS A.R.S. § 42-17153. Lien for taxes; time lien attaches; priority**

Subdivides subsection C(3) into new subsections C(3)(a) and (b), stipulating that the annual tax lien attaching every January 1 is superior to all other liens **except** for those that are held by the state and any sold tax liens that have accrued for prior years. As a result, the holder of a sold tax lien cannot foreclose tax liens from other years, and if the sold tax lien is not redeemed, the sold tax lien holder acquires title to the property subject to any other "unextinguished" tax lien(s).

**Note:** This statute was also amended by Ch. 267, Sec. 44 (S.B. 1518). See page 14 of this Summary.

- **AMENDS A.R.S. § 42-18202. Notice**

Subdivides subsection A(1) into new subsections A(1)(a), (b) and (c), which allows a sold tax lien purchaser the new option of mailing to the property owner of record the notice of their intent to foreclose the right of redemption according to the records of **all** of the following: (a) the County Assessor, (b) the property situs address shown on the tax roll, and (c) the tax bill mailing address according to the County Treasurer.

Mailing the notice of intent to foreclose to either the owner according to the records of the County Recorder or to the County Treasurer remain valid methods of notification.

Signed by the Governor April 24, 2001.

**H.B. 2294 (CHAPTER 249).**

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## **REAL PROPERTY TAX LIENS.**

**Summary:** This is, in effect, a companion bill to H.B. 2283, stipulating that the sale of a real property tax lien, the foreclosure of the right of redemption, and/or the issuance of a treasurer's deed will not eliminate any secondary assessment lien that is imposed by any improvement district as specified under Title 48 (Special Taxing Districts) and Title 9 (Cities and Towns).

- **AMENDS A.R.S. § 42-18115. Easements and liens not extinguished by sale**

Adds liens to the subject matter of the statute (creating subsections A and B) specifying that the sale of a tax lien will not extinguish any lien for a secondary assessment levied pursuant to Title 48, Chapters 4, 6 or 14, or A.R.S. § 9-276.

- **AMENDS A.R.S. § 42-18204. Judgement foreclosing right to redeem; effect**

Adds new subsection D, also specifying that the sale of a tax lien will not extinguish any lien for a secondary assessment levied pursuant to Title 48, Chapters 4, 6 or 14, or A.R.S. § 9-276.

- **AMENDS A.R.S. § 42-18258. Issuance of treasurer's deed; form**

Adds new subsection D, also specifying that the sale of a tax lien will not extinguish any lien for a secondary assessment levied pursuant to Title 48, Chapters 4, 6 or 14, or A.R.S. § 9-276.

Signed by the Governor April 25, 2001.

## **H.B. 2295 (CHAPTER 303).**

### **COUNTY POWERS; INFORMATION STORAGE FUND.**

**Summary:** Establishes a property information storage and retrieval conversion fund in each county (excluding Maricopa and Pima counties).

- **ADDS A.R.S. § 11-269.06. County assessor's property information storage and retrieval conversion and maintenance fund; purpose**

Effective 01-01-2002, creates a funding mechanism in each county with a population of 500,000 persons or less, for a property information storage and retrieval conversion and maintenance system. Defrays costs of converting existing property information systems to "micrographics or computer automation" systems. Funding is accomplished by implementing a special recording surcharge fee of not more than four dollars per instrument (excluding those documents exempt from recording fees).

Specifies various actions, responsibilities and prohibitions imposed on the Assessors, Recorders and the Boards of Supervisors. Provides for oversight of expenditures from the fund by the Auditor General's office. Repeals the fund delayed effective until 01-01-2007.

Signed by the Governor May 1, 2001.

## **H.B. 2432 (CHAPTER 306).**

### **ENVIRONMENTAL CONTAMINATION REMEDIATION.**

**Summary:** Authorizes the Boards of Supervisors to reduce a lien for delinquent taxes, interest and penalties by an amount not exceeding the actual costs of remediation for a contaminated property.

- **AMENDS A.R.S. § 42-18124. Compromising taxes, interest and penalties; omission of tax or fund from action for collection**

Adds new subsections D(1)-(8) and E, which provide for:

- The reduction of any delinquent taxes, interest, penalties or other costs imposed under a tax lien in an amount not to exceed the actual expenses of mitigating conditions at the property for removal actions as defined under CERCLA; for a remedial investigation and feasibility study under the WQARF program; for an action plan and agreement for work under the WQARF program; for a corrective action plan under the UST program; or for a work plan approved under the DEQ voluntary remediation program.
- Specifies that for any property acquired **after** 12-31-2001, expenses must be incurred **within five years** after acquisition of title to the property. For any property acquired **on or before** 12-31-2001, the expenses must be incurred **on or before** 12-31-2006.
- Requires an affidavit stating that the expenses were reasonable and necessary, and that the applicant is not a party responsible for the contamination or a relative of a responsible party under WQARF.
- Stipulates that the County Treasurer is to apply the reduction on a pro-rata basis among all taxing jurisdictions imposing taxes on the property.
- States that the personal liability of a property owner for acts or omissions that caused or contributed to the contamination is unaffected by this statute.

Signed by the Governor May 1, 2001.

## **H.B. 2527 (CHAPTER 370).**

### **EXTENSION AND AMENDMENT OF ARIZONA ENTERPRISE ZONE PROGRAM.**

**Summary:** In 1989 the Arizona Enterprise Zone Program was established to promote new business startups and expansions in areas with high unemployment and high

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poverty rates. Statutory law governs the programs' procedures, criteria and various types of tax incentives for establishing these zones and for businesses wishing to locate in these zones. There are currently twenty-two enterprise zones established throughout Arizona. The program is scheduled to expire on July 1, 2001. H. B. 2527 extends the program to July 1, 2006 and makes numerous revisions to the statutes governing the program.

The primary revisions are: extending the program to businesses that may have some small amount of retail sales; modifying (or "tiering") the investment requirements for small-sized manufacturers in rural areas; authorizing the incentives to be continued whether or not the enterprise zone designation continues or is terminated; eliminates the requirement that existing businesses must show a profitable history; and creates transition procedures for zone boundary changes based on new census data.

- AMENDS A.R.S. §§ 20-224.03., 42-1074. and 43-1161., with provisions as noted above in the Summary, all retroactively effective as of 01-01-2001. Repeals these same statutes, delayed effective as of 06-30-2006.
- AMENDS A.R.S. §§ 41-1524., 41-1525., 41-1525.01. and 41-1527., with provisions as noted above in the Summary, all effective with the general legislation's effective date of 08-09-2001.

Signed by the Governor May 7, 2001.

**S.B. 1053 (CHAPTER 151).**

**TAX LIENS; NOTICES OF SALE.**

**Summary:** Section 1 repeals current A.R.S. § 42-18109. Section 2 then replaces it with a new version, requiring County Treasurers to post the list of real property with delinquent taxes and the accompanying notice required under A.R.S. § 42-18106 as follows: (a) outside of the Treasurer's office, (b) in a local newspaper **and** (c) on the Internet on a website which posts the notices of ten or more Arizona newspapers.

**Note:** Contrary to the fact sheet accompanying this bill, there is no "option" to advertise the list and notice in either a newspaper **or** on the Internet. Both types of advertisement are required.

- Section 1: REPEALS A.R.S. § 42-18109. **Publication and posting of list and notice**
- Section 2: ADDS new A.R.S. § 42-18109. **Publication and posting of list and notice**

Recreates A.R.S. § 42-18109, with provisions as noted above in the Summary.

Signed by the Governor April 19, 2001.

**S.B. 1111 (CHAPTER 28).**

**COUNTY TREASURERS.**

**Summary:** Makes changes to statutes governing the actions of Treasurers and their handling of public monies of governmental subdivisions under Titles 15, 35 and 42. Statutes of specific interest under Title 42 are shown below.

- AMENDS A.R.S. § 42-17255. **Remitting tax collections to municipality**

Adds to subsection A the requirement that earned interest on taxes collected shall be deposited into the counties' general funds for use by the Boards of Supervisors.

- AMENDS A.R.S. § 42-18055. **Posting payments; receipts**

Makes nonsubstantive changes to subsections A and B. Also makes changes under subsection B to eliminate certain types of information the Treasurers are to include on tax payment receipts (tax amount, interest amount, property description and the tax assessment year are deleted). Restructures subsection C, changing from the Boards of Supervisors to the Treasurers the responsibility to establish procedures for issuing or not issuing receipts for taxes paid.

- AMENDS A.R.S. § 42-18107. **Additional penalty on listed property**

Under subsection B, changes when the five dollars or five percent of the delinquent tax bill amount penalty that is added to the delinquent tax bill list and notice is imposed under A.R.S. § 42-18106, from the time the list is "printed," to the time the list is "prepared."

- AMENDS A.R.S. § 42-18125. **Erroneous sales**

Restructures the statute, eliminating subsections A and B. Changes from twelve to ten percent simple interest the rate of interest to be repaid if a tax lien is sold in error (assuming that ten percent is lower than the rate that is specified in the sold tax lien certificate – if not, that lower bid rate is utilized). Also eliminates the requirement holding public officers liable for the interest due on any such erroneous sales.

Signed by the Governor April 3, 2001.

**S.B. 1518 (CHAPTER 267).**

**Subject: GENERAL PROPERTY TAX ISSUES; CORRECTIONS AND CONFORMITY.**

**Summary:** A compilation of a variety of updates to property tax statutes, adding, amending or deleting statutes or subsections of statutes to correct erroneous, obsolete or conflicting language.

- AMENDS A.R.S. § 15-1461.01. **Truth in taxation notice and hearing; roll call vote on tax**

(Continued on page 7)

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**increase; definition**

Changes the date from July 1 to February 10 (and specifies "of the tax year") that the County Assessors are to transmit the certified "total net primary assessed values" that are used to compute the levy limits pursuant to A.R.S. § 42-17051. Under this statute, the County Assessors had been reporting only to the community college districts.

This changes to having the Assessors now report to both the college districts and the Property Tax Oversight Commission (under § 42-17002).

- **ADDS A.R.S. § 41-1292. Joint legislative oversight committee on property tax assessment and appeals**

Establishes this committee in statute (formerly session law from 1994; extended in 1998); stipulates that the President of the Senate and the Speaker of the House of Representatives of the Legislature will appoint six members of the Legislature, two County Assessors, two County Treasurers, and four members of the public to serve on the committee; specifies general operational aspects and the purpose(s) of the committee; and specifies the duties of County Assessors and the County and State Boards of Equalization regarding appeal data compilation and data reporting to the committee. Repeals this committee, delayed effective until 01-01-2008.

**Note:** Subsection F erroneously includes the State Board of Tax Appeals as also having to compile and report property tax appeal data to the committee. The S.B.T.A. has no property tax related appeal responsibilities.

- **AMENDS A.R.S. § 42-11127. Exemption for commercial and agricultural personal property; definition**

Under subsection A, deletes redundant language referring to § 42-12002(2) and § 42-12001(13); adds § 42-12001(13) to the types of personal property devoted to commercial or industrial uses that are exempt from taxation on the first \$50,000 of full cash value; under subsection B(2), corrects the § 42-12001 subsection reference error (from subsection 13 to 11) regarding department valued business personal property.

**Note:** Under subsection A, the erroneous reference to subsection 12

of § 42-12001 (which concerns real property) as also being exempt from taxation was left intact. It should have been deleted.

- **AMENDS A.R.S. § 42-12004. Class four property**

Under subsection 7, corrects the erroneous reference to the Chapter 13 article concerning "common area" valuation from Article 8 to Article 9. The original Article 8, Common Area Valuation, under Laws 1999, was renumbered as Article 9 when a subsequent new Article 8 (Valuation of Property of Manufacturers, Assemblers or Fabricators) was created.

- **AMENDS A.R.S. § 42-12007. Class seven property**

Corrects the erroneous reference to § 42-12001 ("class one," in the text of the statute) subsections "11 and 12" to subsections "12 and 13." § 42-12001(11) concerns Centrally Valued telecommunications property.

- **AMENDS A.R.S. § 42-12151. Definition of agricultural real property**

Changes the title and the language of the descriptive opening paragraph to conform to the subject matter of Chapter 12, Article 4, clarifying the apparently intended concept of the amendments made under Laws 1999, Chapter 275, Section 1 (H.B. 2446). Those amendments added the nonspecific terminology "and improvements" to subsections 4, 5 and 6 (and added new subsections 7, 8 and 9, also utilizing this terminology). By doing so, the statute no longer defined qualified agricultural **land** uses (for statutory valuation purposes).

- **AMENDS A.R.S. § 42-12157. Recapture and penalty for false information or failure to notify of change in use**

Changes the reference in subsection 3 from the Department being able to abate Assessor imposed penalties to the Assessor being able to abate such penalties.

The requirement that the Department had to approve all agricultural land use applications was repealed by Laws 1999, Ch. 240, Sec. 2 (H. B. 2056). There is currently no procedure by which locally assessed property owners can appeal anything to the Department (and therefore, the Department has no authority to abate any Assessor imposed penalties regarding locally assessed property).

- **AMENDS A.R.S. § 42-13054. Taxable value**

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**of personal property; depreciated values of personal property in class one and class two (P)**

Clarifies that it is the local County Assessors that value personal property to determine taxable value (excluding any Department valued property). Also adds the real and personal property of manufacturers, assemblers and fabricators (subsection 10 of § 42-12001) to the list of properties that receive accelerated depreciation treatment.

- **AMENDS A.R.S. § 42-13055. Reducing minimum value for property in use**

Deletes § 42-12001(12) from those types of personal property subject to a reduced minimum value (subsection 12 refers to real property).

- **AMENDS A.R.S. § 42-13302. Determining limited value in cases of omissions and changes**

Adds new subsection A(4), including real property that has been split, subdivided or consolidated to those types of properties for which a limited property value is to be established that is "comparable to that of other properties of the same or similar use or classification." Adds to subsection B language specifying that if a property is split, subdivided or consolidated between September 30 and December 31 of the **current** valuation year, the total limited property value of the new property is to be the same as the original limited property value. Also adds to subsection B language that specifies that for the **subsequent** valuation year, the limited value of the split, subdivided or consolidated property is to be reevaluated with respect to its comparability to the limited property value of other properties of similar use or classification.

- **AMENDS A.R.S. § 42-13304. Exemptions from limitation**

Adds the personal property under A.R.S. § 42-12001(13) to those types of personal property for which a limited property value does not apply (the full cash value is used in lieu of a limited property value).

- **AMENDS A.R.S. § 42-14003. Information considered in determining valuation; notice of determination**

Changes the language of subsection B from "notifying a Centrally Valued property owner of an **appeal decision** on or before August

31," to "notifying the owner of the **final full cash value** that is determined on or before August 31."

- **AMENDS A.R.S. § 42-14054. Determining and reporting valuation of closed mines**

Resubdivides the statute from current subsections A(1) and (2), B and C into new subsections A - D. Under subsection A, deletes redundant language found in subsection B; under subsection B, stipulates the Boards of Supervisors shall be notified of the value of nonproducing mines in their counties by November 30; under new subsection D, changes references to "tax" year to "valuation" year.

- **AMENDS A.R.S. § 42-14103. Annual report for determining valuation; violation; classification**

Changes from the last day of February to April 1 the date that the return showing the oil, gas or geothermal producer's gross production and gross yield of each property must be filed with the Department.

- **AMENDS A.R.S. § 42-14104. Determining and reporting valuation**

Changes from August 31 to November 30 the date the Department must report the values of oil, gas and geothermal producing properties; changes the report being transmitted to the Boards of Supervisors to the report being transmitted to the County Assessors; and changes the values that are being reported as of January 1 from being for the "**tax**" year to being for the "**valuation**" year.

- **AMENDS A.R.S. § 42-14153. Determining and reporting valuation**

Restructures the statute: under new subsection A, deletes the requirement that the Department identify by individual taxing jurisdiction each natural gas, water utility, sewer or wastewater treatment facility, electric generating facility or electricity distribution facility valued as of August 31, and specifies that the valuation is as of August 31 "of each year"; redesignates "old" subsection A (2) as subsection B, and adds that the Department must transmit the values of these properties and an estimate of the net valuation of properties subject to voluntary contributions by November 30 (and retains their being identified by taxing district in this report); changes who the report is to be transmitted to, from the Boards of Supervisors to the local County Assessors; redesignates new subsection B's subsections from (a) and (b) to (1) and (2); and redesignates "old" subsection B as C.

- **AMENDS A.R.S. § 42-14203. Determining and reporting valuation**

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Deletes the requirement that the Department identify by individual taxing jurisdiction each pipeline in the state that is valued as of August 31, and specifies the valuation is as of August 31 "of each year"; changes from August 31 to November 30 the date by which the Department is to transmit "locations, descriptions and valuations" of the pipeline(s) in each county; and changes the reports being transmitted to the Boards of Supervisors to the reports being transmitted to the local County Assessors.

- **AMENDS A.R.S. § 42-14204. Computing valuation of pipelines; definitions**

Changes the references to "tax" year into "valuation" year, under subsections H(2), (3), (6) and (10).

- **AMENDS A.R.S. § 42-14253. Annual report for purposes of determining valuation; failure to file; penalty; forfeiture of appeal rights**

Changes the references to "tax" year into "valuation" year, under subsections C and D.

- **AMENDS A.R.S. § 42-14254. Determination of value**

Changes the reference to "tax" year into "valuation" year, under subsection 3(b).

- **AMENDS A.R.S. § 42-14306. Administrative review of valuation**

Changes from July 10 to July 15 the date by which private rail car companies must request a valuation review by the Department.

- **AMENDS A.R.S. § 42-14307. Appeals**

Changes from September 15 to October 1 the date by which private rail car companies must appeal the Department's valuation to the State Board of Equalization.

- **AMENDS A.R.S. § 42-14355. Computing valuation; definitions**

In regard to railroad valuations, changes the references to "tax" year into "valuation" year, under subsections B(3) through (9) and B(20) through (22); changes the "property change factor" calculation procedure under subsection B(24) from "dividing the current year system cost by the preceding year system cost" to "dividing the system cost as of December 31 immediately preceding the valuation year by the system cost as of December 31 immediately preceding the previous valuation year."

- **AMENDS A.R.S. § 42-14357. Transmitting valuation to taxing jurisdictions; apportionment**

Changes the date the Department transmits the statements for railroads showing the pro-rata valuations by taxing jurisdiction and descriptions of the assessed property from August 31 to November 30, and changes who the statements are transmitted to, from the Boards of Supervisors to the local County Assessors.

- **AMENDS A.R.S. § 42-14404. Apportionment of valuation**

Changes from August 31 to November 30 (and specifies "of each year") the date that the Department is to transmit to various "officers . . . in charge of valuations" a statement showing the valuation apportionment of telecommunication property on a pro-rata basis by individual taxing jurisdiction.

- **AMENDS A.R.S. § 42-14503. Computing valuation of airport fuel delivery company property; definitions**

Changes the references to "tax" year into "valuation" year, under subsections A(3), and B (2) and (3).

- **AMENDS A.R.S. § 42-15053. Duty to report personal property; confidentiality**

This amendment restructures subsection C by eliminating language requiring property owner reports of personal property within 45 days of receiving the Assessors' form, pursuant to Title 42, Chapter 19. The reporting time limit is actually expanded, under subsection A, by requiring the Assessors to mail the requests by February 1 and the owners to return them by April 1. The statute retains the explicit exemptions for not requiring reporting of nontaxable livestock and personal property used for agricultural purposes (Legal Class Two P), or personal property that is used in a trade or business (Legal Class One, Subclass 13).

**Note:** Erroneous language referring to agricultural property as being in Legal Class Four and property used in a trade or business as being in Legal Class Three are retained in this statute. These references should have been corrected.

- **AMENDS A.R.S. § 42-15102. Notice information entered by assessor**

Adds single-family rented residential property

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to the type of property excepted from having to have separate land and improvement values shown on the notice of value.

- **AMENDS A.R.S. § 42-15152. Inclusion of all property on the roll**

Changes the language of subsection B from requiring an **estimate** of the personal property tax roll to be included in the total tax roll, to requiring that **the** personal property tax roll be included in the total tax roll.

- **AMENDS A.R.S. § 42-15153. Completion and delivery of property lists and assessment roll; use of lists by administrative appeals bodies**

Changes from December 1 to December 20 the date by which the local County Assessors are to complete, certify and deliver their assessment rolls to the Clerks of the Boards of Supervisors.

- **REPEALS A.R.S. § 42-15154. Notice and final adoption of county roll; entry of valuation forwarded by department; public record**

Deletes the requirement that the Boards of Supervisors must hold a hearing for the final adoption of the tax roll by December 20 (and that the Clerks of the Boards must publish an advertisement of the meeting date and time).

- **AMENDS A.R.S. § 42-15155. Abstract of assessment roll; contents; distribution**

In conjunction with the repeal of A.R.S. § 42-15154, as well as with the amendment to A.R.S. § 42-15152, deletes the language under subsection A referring to the Boards of Supervisors adopting the final roll pursuant to A.R.S. § 42-15154, and the total roll including only an estimate of the personal property tax roll.

- **AMENDS A.R.S. § 42-16108. Decision**

Under subsection C, includes the County Assessors, as well as the petitioners, to being notified within ten days after a decision is made by the County Boards of Supervisors, acting as the County Boards of Equalization, of their decisions.

- **AMENDS A.R.S. § 42-16155. Hearing officers and employees**

Makes two nonsubstantive changes to improve the language of subsection A. Under subsection C, clarifies that the compensation for hearing officers is a

**maximum** of one-hundred-fifty dollars per day, instead of inferring that it is a set dollar amount.

- **AMENDS A.R.S. § 42-16165. Deadline for issuing decisions**

In conjunction with other statutory changes made in reference to the new personal property tax roll and appeal procedures, under subsection 2, the reference to A.R.S.

§ 42-16157(D) is deleted, removing a requirement that "unsecured" personal property be reported to the County Assessor.

- **AMENDS A.R.S. § 42-16166. Transmitting changes in valuations**

Changes the State Board of Equalization transmitting its statement of changes in locally assessed valuations to the Boards of Supervisors to transmitting the statement to the local County Assessors.

- **AMENDS A.R.S. § 42-17003. Duties**

Added to subsection A(1) are the information requirements for reporting the total net assessed valuation for truth in taxation purposes to a district, as required by A.R.S.

§ 15-1461.01 and A.R.S. § 42-17107. Added to subsection A(5) is the requirement that, if they are requested by a county, city, town or community college district, hearings regarding maximum primary tax levy limits as per A.R.S. § 42-17051 (A) must be held, pursuant to A.R.S. § 42-17004. Adds to Title 42, Chapter 17, Article 2 the requirements that are found in §§ 15-1461.01 and 42-17107 as being among those statutory requirements for calculating the primary property tax levy, which, if violated, provides the authority to the Property Tax Oversight Commission (under A.R.S. § 42-17002) to determine the adjustment amount for the primary property tax levy limit.

- **AMENDS A.R.S. § 42-17004. Hearing and appeals of commission findings**

Added to subsection A are the information requirements for reporting the total net assessed valuation for truth in taxation purposes to a district, as required by A.R.S.

§§ 15-1461.01 and 42-17107. Adds new subsection B, including the governing board of a county, city, town or community college district among those who may request a hearing if the Property Tax Oversight Commission (under § 42-17002) finds a violation of those statutory requirements for calculating the primary property tax levy, pursuant to A.R.S. § 42-17051(A). Redesignates the remaining subsections accordingly.

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- **AMENDS A.R.S. § 42-17005. Adjustment to levy**

Adds new subsection B, specifying that if the Property Tax Oversight Commission (under § 42-17002) finds that errors were made in the calculation of the maximum allowable primary property tax levy limit under A.R.S. § 42-17051(A), the Oversight Commission has five days to notify the governing board of the affected county, city, town or community college district and the county Board of Supervisors of the corrected levy limit. Specifies that the corrected levy limit shall be used to determine the following year's levy limit. Redesignates the remaining subsections accordingly, including correcting a cross-reference to amended A.R.S. § 42-17004(E).

- **AMENDS A.R.S. § 42-17052. Values furnished by county assessor**

Under subsection A(2), changes the language regarding the personal property tax roll from being an "estimate of the personal property tax roll" to being "the value of the property on the personal property tax roll." Changes a Title 41 section number reference from A.R.S. § 41-1324 to A.R.S. § 41-1276.

- **AMENDS A.R.S. § 42-17054. Levy limit worksheet**

Under subsection B, changes from three to ten the number of days each city, town and community college district has to notify the Property Tax Oversight Commission (under A.R.S. § 42-17002) of its agreement or disagreement with the final levy limit worksheet prepared by the County Assessor which accompanies the transmitted valuations under A.R.S. § 42-17052.

- **AMENDS A.R.S. § 42-17107. Truth in taxation notice and hearing; roll call vote on tax increase; definition**

Changes the language under subsection A from "by July 1 the Assessor is to transmit to a county, city, or town the total net assessed value including new property added to the roll," to "by February 10 of the tax year the Assessor is to transmit these values to the Property Tax Oversight Commission (under A.R.S. § 42-17002) and to the governing body of a county, city or town."

- **AMENDS A.R.S. § 42-17153. Lien for taxes; time lien attaches; priority**

Under subsection C(1), changes "the tax lien attaches January 1 of each" year to

"the tax lien attaches January 1 of the tax year."

**Note:** This statute was also amended by Chapter 242 (H.B. 2283), regarding the priority of tax liens. See page 3 of this Summary.

- **AMENDS A.R.S. § 42-18106. Delinquent tax list and notice of sale**

Under subsection A(2), in conjunction with other statutory changes made in reference to the new personal property tax roll, subsection (b), which is in reference to personal property, is deleted. Subdivision of the subsection is eliminated.

- Also in conjunction with other statutory changes made in reference to the new personal property tax roll, Section 46 makes amendments to chapter and article headings under Title 42, as follow:

A. The article heading of Title 42, Chapter 15, Article 4, A.R.S. is amended from "Real and Secured Personal Property Assessment Roll" to "Real and Personal Property Assessment Roll."

B. The article heading of Title 42, Chapter 18, Article 9, A.R.S. is amended from "Seizure and Sale of Secured Personal Property for Delinquent Taxes" to "Seizure and Sale of Personal Property for Delinquent Taxes."

C. The chapter heading of Title 42, Chapter 19, A.R.S. is amended from "Unsecured Personal Property" to "Personal Property."

D. The article heading of Title 42, Chapter 19, Article 2, A.R.S. is amended from "Unsecured Personal Property Tax Appeals" to "Personal Property Tax Appeals."

**Status:** Signed by the Governor April 30, 2001.



## Pima Change in City Tax Code Effective November 1,2001

The Mayor and City Council of the City of Pima passed ordinance 116. Ordinance 116 increases the Pima City Privilege Tax from 1% to 2%. The tax rate increase affects the following classifications:

- ♦ Advertising
- ♦ Amusements
- ♦ Construction contracting
- ♦ Feed at wholesale
- ♦ Job printing
- ♦ Manufactured buildings
- ♦ Timbering & other extraction
- ♦ Publishing
- ♦ Hotels
- ♦ Rental of real property
- ♦ Restaurants and Bars
- ♦ Retail sales
- ♦ Telecommunications
- ♦ Transporting for hire
- ♦ Utilities.

This increase imposed by this ordinance shall not apply to contracts entered into prior to the effective date of the ordinance. **Pre-existing contracts** should be reported using **CODE PM9** at a rate of **1%**.